

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 6 JUN 1988

APPLICATION NO 80 / 88(F)

W.P. NO. \_\_\_\_\_

Applicant

Respondent

Shri Khaja Moinuddin

V/s The Sr Supdt. of Post Offices, Gulbarga & another

To

1. Shri Khaja Moinuddin  
S/o Shri Mohammed Mukadam Sab  
Ex-Branch Post Master  
Bagewadi  
Chittapur Taluk  
Gulbarga District
2. Shri M. Raghavendra Achar  
Advocate  
1074-1075, Banashankari I Stage  
Sreenivasanagar II Phase  
Bangalore - 560 050
3. The Senior Superintendent of  
Post Offices  
Gulbarga Division  
Gulbarga - 585 101
4. The Director of Postal Services  
North Karnataka Region  
Dharwar - 580 001
5. Shri M. Vasudeva Rao  
Central Govt. Stng Counsel  
High Court Building  
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/~~INTERIM ORDER~~  
passed by this Tribunal in the above said application on 1-6-88.

Encl : As above

*dc*  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH: BANGALORE

DATED THIS THE FIRST DAY OF JUNE, 1988

Present: Hon'ble Shri Justrice K.S. Puttaswamy .. Vice Chairman

Hon'ble Shri P. Srinivasan .. Member (A)

APPLICATION NO. 80/1988

Shri Khaja Moinuddin  
Ex. Branch Post Master  
Bagodi, Chitapur Taluk  
District Gulbarga .. Applicant  
(Shri M.R. Achar, Advocate)

Vs.

1. Senior Superintendent of Post  
Offices, Gulbarga Division  
Gulbarga.
2. The Director of Postal  
Services  
Gulbarga Division  
Gulbarga .. Respondents  
(Shri M. Vasudeva Rao, Advocate)

This application has come up before  
the Tribunal today. Hon'ble Shri P. Srinivasan,  
Member (A) made the following:

ORDER

The applicant before us was working as  
an Extra Departmental Branch Post Master at Bagyavadi,  
Chitapur Taluk, Gulbarga District, for over 24 years,  
before he was removed from service with immediate effect  
by order dated 19.2.1987. He is challenging the said  
order dated 19.2.1987. He filed an appeal against  
this order and the appeal was dismissed by order dated  
23.11.1987. He is also challenging that order in this  
application.

*P. Srinivasan*

.....2/-



2. Shri Raghavendrachar, learned counsel, appeared for the applicant and Shri M. Vasudeva Rao for respondents. They have been heard.

3. The grievance of the applicant is that the extreme penalty of removal from service has been visited upon <sup>H him</sup> without holding an enquiry. The respondents admit that no enquiry was held, but according to them, the applicant had admitted the charges levelled against him. The charges were that (i) a registered letter addressed to a certain Abdul Gani Sherika, resident of Bagyavadi, was not delivered to the addressee nor was it returned to the sender; (ii) that a sum of Rs 4/- collected by the applicant towards the Telephone Revenue Collection (TRC) was not accounted for by him immediately, the said amount having been collected on 28.3.1986 but having been accounted for only on 15.7.1986. We have perused the reply of the applicant to the chargesheet, and find that he did not admit the charges. He stated there that the registered article was actually returned by him and an entry made to that effect <sup>H</sup> on the back of the Branch Office Daily Account Book on 5.7.1987 and requested that this statement may be verified. So far as the amount collected as TRC is concerned, he submitted that 28.3.1986 was a holiday and due to oversight, it was not accounted for immediately thereafter and that he had no ~~had~~ <sup>H</sup> intention to appropriate the amount, which he duly credited on 15.7.1986. We are, therefore, of the opinion that the respondents were wrong in treating this letter as



P. J. [Signature]

an admission of guilt and on that basis dispensing with a formal enquiry. Having said so much, we do not think it worthwhile to send this case back to the disciplinary authority for instituting a fresh enquiry, because the charges against the applicant are not serious calling for the kind of penalty that was imposed on him. Even assuming the worst against the applicant, the applicant could have been asked to reimburse the monetary loss caused by his failure to deliver the registered letter and by the delay in accounting for the TRC. We are told that for an article not delivered or returned to the sender <sup>the Postal department is liable to pay Rs. 50 to the sender.</sup> In view of this, we consider it proper to direct the respondents to recover from the applicant a sum of Rs 60/- towards estimated pecuniary loss caused to the Government in terms of rule 7 of the E.D.A. (Conduct & Service) Rules. The applicant however, will not be entitled to backwages from the date he was removed from service till the date of his reinstatement in pursuance of this order.

4. In the result, we pass the following order:

- (1) The order imposing penalty at Annexure-A and the order rejecting the applicant's appeal at Annexure-B are quashed, and the penalty imposable on the applicant is reduced to one of recovery of Rs 60/- from him;
- (2) The respondents will reinstate the applicant to service as

P. S. - Ue

9 in

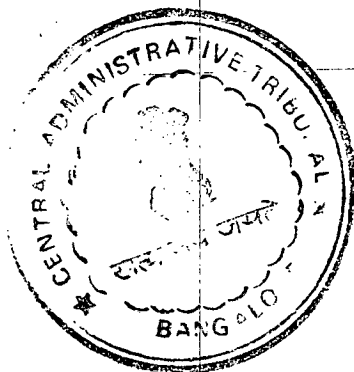
.....4/-



early as possible, and in any event, not later than 1.7.1988. The applicant will not be entitled to any salary and allowances from the date of his removal from service till his reinstatement.

(3) The sum of Rs 60/- may be recovered from the next pay payable to the applicant after reinstatement.

6. The application is disposed of on the above terms. Parties to bear their own costs.



mr.

Sd/-  
VICE CHAIRMAN 1/6/88

Sd/-  
MEMBER (A) 1/6/88

TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL 6/6  
BANGALORE